

Remarks

The Applicant requests that the above Amendment be entered and the application examined as amended, and in view of the remarks below.

By this Amendment, the Applicant corrects the numbering of claims 84-92 to include the previous erroneous claim numbers 85-93 showing struck-through claim number corrections as requested in the above-referenced Notice.

The Amendment also includes the amendments made in the prior response dated January 2, 2007. In that earlier response, the Applicant corrects several typographical errors on paragraphs 62 and 63 and addresses several objections in the RCE and Response filed on October 9, 2006 as identified in the Office Communication. Specially, claims 85-93 were renumbered claims 84-92 to address an oversight identified in the Office Communication. The dependent claims were amended to address the corresponding change in pendency. The addition of "new matter" has been scrupulously avoided.

Claims 65, 66, 68-70, 73, 74, 77, 80, and 84-92 are now pending in this application.

The Applicant recognizes with appreciation Examiner Charles Philips' assistance in addressing the objections outlined in the above-referenced Communication and Notice.

The following remarks are identical to those submitted with the response of January 2, 2007.

1. Support of Claim Changes

In the Response of October 9, 2006, with the intent of assisting the Patent Office in identifying the passages in the application where support for the above amendments can be found, the Applicant provided a table similar to the table below. However, the Applicant inadvertently cited columns and lines in the as-published application, not the

paragraph numbers and lines of the as-filed application for support. The table below has been updated to cite paragraph numbers and line numbers of the as-filed application. The Applicant regrets any confusion this may have caused.

Table 1 Support for Claim Amendments		
<u>Claim</u>	<u>Limitation</u>	<u>Support</u> (paragraph:lines of as-filed application)
65	"a sound wave distributor"	0041 and Figure 2A
84, 88	"a cavity and a chamber"	0041:3-6 and Figure 2A
85, 89	"a cavity and a chamber in the spa housing"	0041:3-6 and Figure 2A
86, 90	"at least one inlet and a plurality of outlets"	0041:10-14 and Figure 2A
87	"a sound wave distributor"	0041 and Figure 2A
91	"integral with the at least one speaker"	0041:6-7
92	"positioned one of beneath and within the head rest"	0050:5-9

2. Response to Support for Claims for Invention of Figure 9

In the above-referenced Communication, the Patent Office objected to the claims as not being drawn to the invention shown "in the Fig. 9 embodiment, elected in the 6/28/04 paper." The Patent Office states that "Fig. 9 does not include 'a sound wave distributor,' nor is one discussed in the description of this figure in paragraphs 62-63."

The Applicant confirms that in the paper filed on June 28, 2004 the claims then submitted were drawn to the aspect of the invention shown in Figure 9. However, the Applicant submits that nowhere in the description of Figure 9, in the submittal of June 28, 2004, or in any other submittal was the aspect of Figure 9 limited to not having a "sound wave distributor." The Applicant submits that "a sound wave distributor" is inherent in the aspect of the invention illustrated and described with respect to Figure 9.

In this regard, the Applicant cites the following passage in as-filed paragraph 62:

[0062] FIGURE 9 illustrates a cross-sectional view of head rest 229 as typically mounted in housing 224. FIGURE 9 illustrates a section as viewed through one of the speakers 244 of FIGURE 8.... The speaker 244 in this aspect can be an electronic speaker or a wave-guide-type speaker as discussed above, but in FIGURE 9 speaker 244 is shown as an electronic speaker which receives an electrical signal via wire 245, for example, from electronic component 30 (see FIG. 2A).... [Emphasis added.]

That is, for the sake of illustrating an alternate aspect of the invention, Figure 9 is shown with a wired “electronic speaker,” but, as is clear from the text, speaker 244 may also be a “wave-guide-type speaker.” That is, a “wave-guide-type speaker” that inherently includes some form of “sound wave distributor.” A wave-guide type speaker must receive sound waves from somewhere and therefore must include a “sound wave distributor.”

Moreover, the section illustrated in Figure 9 is of the aspect shown in Figure 8. As described in paragraph 0061:

[0061] FIGURE 8 illustrates an isometric view of another embodiment of the present invention. FIGURE 8 illustrates the relative contoured shape of a typical head rest 229, which can be used for head rests 29 and 129 discussed above.... Head rest 229 also includes at least one, typically two, electronic or wave-guide type speakers 244 as discussed previously. [Emphasis added.]

Again, as clearly recited in this passage, the speaker 244 shown in Figure 9, can be “electronic” or “wave-guide type” speakers.

As is clear from the description of the “wave-guide type” speakers illustrated and discussed throughout the present specification, that is, with respect to FIGURES 2A, 2B, 3A, 3B, 3C, 4A, 4B, 5A, 5B, 6A, 6B, 7A, and 7B, “wave-guide type” speakers include some form of “sound wave distributor.” Such “sound wave distributors” are inherent in the design and use of the disclosed “wave guide type” speakers.

Thus, the Applicant submits that since speaker 244 in Figure 9 is disclosed as being a "wave guide type" speaker and such speakers inherently include some form of "sound wave distributor," the aspect of the invention presently claimed and reciting a "sound wave distributor" reads on the aspect shown in Figure 9. The Applicant requests that the objection to the present claims be withdrawn and the application examined on its merits.

3. Response to Obviousness Rejections in view of Ludlow and Kvalvik

The following comments were submitted with the RCE and Response filed on October 9, 2006 in reply to the Action dated June 8, 2006:

On page 2 of the Action, the Patent Office rejected claims 65, 67, 68, 70, 71, and 74-80 under 35 U.S.C. 103(a) as obvious in view of the combined teachings of U.S. Patent 5,754,989 of Ludlow [herein "Ludlow"] and U.S. Patent 5,715,546 of Kvalvik [herein "Kvalvik"]. The Applicant submits that these rejections are inappropriate and requests that they be reconsidered and withdrawn.

In the above amendment, claim 65 was amended to introduce "a sound wave distributor" to the claimed sound system for a spa. The Applicant submits that neither Ludlow nor Kvalvik, nor any of the other art of record, provide this teaching of a perforated head rest for a spa having a sound wave distributor, for example, to assist in distributing the sound waves to the perforations. In contrast, Kvalvik's audio equipment A is mounted directly to the perforated openings of head rest 30, that is, without a sound wave distributor or any structure that functions as a sound wave distributor. Lacking this teaching or a suggestion for this teaching, the Applicant respectfully submits that the invention recited in amended claim 65 is not obvious in view of Ludlow and Kvalvik. The Applicant requests that this rejection be reconsidered and withdrawn.

A related aspect of the invention is recited in new claims 88-93, which are also not obvious in view of Ludlow and Kvalvik for similar reasons.


With respect to the rejections of dependent claims 67, 68, 70, 71, and 74-80, the Applicant submits that these claims are not obvious in view of Ludlow and Kvalvik for

the same reasons that claim 65, from which they depend, is not obvious. The Applicant respectfully requests that these rejections also be reconsidered and withdrawn.

Conclusion

The Applicant believes that the above Amendment, in view of the above Remarks, places the application in condition for allowance. A favorable action on the merits of the application is requested. If a telephone conference would be of assistance in advancing prosecution of this application, the Applicant's undersigned Agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,



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